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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

UNITED STATES OF AMERICA,	)	No. CR 10-0040 PJH (LB)
	)	
Plaintiff,	)	
	)	DETENTION ORDER
v.	)	
	)	
JAYSON DAWSON,	)	
	)	
Defendant.	)	

I. DETENTION ORDER

Following a hearing under 18 U.S.C. § 3142(f), and considering the factors set forth in section 3142(g), the Court finds that in this presumption case, *see* section 3142(e)(3)(A), no condition or combination of conditions in section 3142(c) will reasonably assure the defendant's appearance in this case or the safety of any other person or the community. As set forth in the government's factual proffer, inside his residence, the defendant possessed multiple plastic baggies containing substances that presumptively tested positive for cocaine, many wrapped in plastic twists, implying that they were packaged for sale. The defendant also possessed a digital scale, approximately \$800 in United States currency, and a bag with multiple oxycodone tablets. Additionally, from the defendant's residence, officers recovered: a Smith & Wesson 9 mm pistol

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1 with a loaded magazine holding 15 rounds of ammunition, with a bullet in the firing chamber; a  
2 box containing 13 live rounds of 9 mm ammunition; and another box containing 27 live rounds  
3 of .25 caliber ammunition.

4 As the presumption itself demonstrates, the nature of the offense itself shows danger to  
5 the community. In addition, the defendant was convicted in 1999 of a felony violation of  
6 California Health & Safety Code § 11351.5, possessing cocaine base for sale, and in 2007 of a  
7 felony violation of California Health & Safety Code § 11351, possessing narcotics for sale. As  
8 set forth in Pretrial Services' criminal history report, the defendant has performed poorly on  
9 court supervision, resulting in numerous arrests and revocations of parole or probation. The  
10 defendant's parole agent stated that the defendant has been noncompliant and evasive since  
11 beginning his parole in May of 2008.

12 After being advised of his rights to present evidence under section 3142(f), the defendant  
13 declined to present additional information (beyond the preliminary bail study by Pretrial  
14 Services) but reserved his right to present information at a future bail hearing should his  
15 circumstances change.

## 16 II. CONCLUSION

17 The Court detains the defendant as a danger to the community and as a flight risk without  
18 prejudice to his raising the bail issue at a future hearing. The Court orders the defendant  
19 committed to the custody of the Attorney General or a designated representative for confinement  
20 in a corrections facility separate, to the extent practicable, from persons awaiting or serving  
21 sentences or held in custody pending appeal. *See* 18 U.S.C. § 3142(i)(2). The defendant must be  
22 afforded a reasonable opportunity to consult privately with counsel. *See id.* § 3142(i)(3). On  
23 order of a court of the United States or on request of an attorney for the government, the person  
24 in charge of the corrections facility must deliver the defendant to the United States Marshal for a  
25 court appearance. *See id.* § 3142(i)(4).

26 IT IS SO ORDERED.

27 DATED: February 10, 2010

28   
\_\_\_\_\_  
LAUREL BEELER  
United States Magistrate Judge

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